

REMARKS

This Amendment is in response to the Examiner's comments set forth in the final Office Action of June 8, 2010. Claims 1, 5-7, 9, and 15 have been amended. Claim 16 is allowed. Claims 1-7, 9, and 11-16 are currently pending in this application.

Reconsideration is respectfully requested in view of the comments and amendments herein.

The Office Action

Claims 1-7, 9, and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action submits that claims 1-7, 9, and 11-15 would be allowable if rewritten or amended to overcome the rejections.

With regard to claim 1, the Examiner submits that the last three lines of the claim, "and wherein the product of (incident LED flux) x (excitation cross section of the phosphor) x (phosphor material decay time) is less than 0.3" is indefinite because there are at least two phosphor materials, such that it is unclear as to which the limitation refers. The Examiner suggests amending claim 1 to recite "and wherein for each phosphor material, the product...." Accordingly, Applicant has amended claim 1 to recite "wherein for each phosphor material, the product...." (emphasis added), as suggested by the Examiner.

With regard to claims 5 and 6, the Office Action submits that the phrase "the phosphor material" is indefinite. Applicant submits that claim 5 has been amended to recite "wherein each phosphor material" and claim 6 has been amended to recite "the first phosphor material". (emphasis added). Similarly, with regard to claim 9, the Office Action submits that the phrase "said phosphor material" is indefinite. Accordingly, claim 9 is amended to recite "the second phosphor material", (emphasis added) as suggested by the Examiner.

Finally, claims 7 and 15 are rejected for informalities, which Applicant submits have been corrected herein.

For at least the aforementioned reasons, Applicant submits that claims 1-7, 9, and 11-15 now properly overcome the rejections set forth in the Office Action and are therefore in condition for allowance.

Allowable Subject Matter

The Office Action sets forth that claim 16 is allowed and that claims 1-7, 9, and 11-15 would be allowed if amended to overcome the above rejections. Applicant acknowledges and appreciates the recognition of allowable subject matter. However, while the applicants agree that the claims are allowable, the applicants do not concede that the claims are only allowable for the precise reasons stated by the Examiner, nor that each feature of the claims is required for patentability.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-7, 9, and 11-16) are now in condition for allowance.

Respectfully submitted,

Fay Sharpe LLP

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Scott A. McCollister, Reg. No. 33,961
Kimberly A. Textoris, Reg. No. 64,954
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
216.363.9000